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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,790	08/16/2001	Kedar Madineni	5166P004	3635

8791 7590 12/03/2004

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EXAMINER	
COURTENAY III, ST JOHN	
ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/931,790	MADINENI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	St. John Courtenay III	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 August 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 August 2001 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



ST. JOHN COURTEENAY III  
PRIMARY EXAMINER

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-3-2003.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

### **Detailed Action**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 6, 8-20, 22, 23 are rejected under 35 U.S.C. § 102(b) as being anticipated by **Dziadosz et al.** (U.S. Patent 5,832,222).

#### **As per independent claims 1 & 15:**

**Dziadosz** teaches a method in the kernel of an operating system comprising:

- receiving in the kernel [see “kernel layer 40” col. 7, line 43] of an operating system at least one request regarding at least one designated device of a plurality of devices from at least one application program [col. 7, line 48];
- communicating the at least one request from the kernel of the operating system to the at least one designated device via a well known communication protocol [see protocol discussion col. 8, lines 8-18];
- receiving in the kernel of the operating system information from the at least one designated device [see “kernel layer 40” col. 7, line 44; see fig. 3 and associated discussion col. 7, line 20]; and
- forwarding the information from the kernel of the operating system to the application program that sent the request [see transmission of data discussion col. 8, beginning line 53].

**As per independent claim 9:**  
**Dziadosz** teaches a system comprising:

- a processor [col. 4, line 56] and a memory [col. 4, line 56] coupled to a bus [col. 4, line 50];
- at least one application program [col. 5, line 32; see also col. 6, line 26];
- a communications server to pass information between the at least one application program and at least one of a plurality of devices via a communication protocol, the communications server integrated within a kernel of an operating system [e.g., see "communication infrastructure 49", "kernel layer" and associated discussion col. 7, lines 52-67, cont'd col. 8, see especially protocol discussion col. 8, lines 8-18; the Examiner notes that a server is simply a provider of services, likewise, a client is a requestor of services].

**As per dependent claim 2:**

**Dziadosz** teaches the at least one designated device comprises a remote device accessible via a network [see e.g., remote disk 32b, col. 7, lines 12 & 13; see also remote device discussion col. 12, line 5].

**As per dependent claim 3:**

**Dziadosz** teaches the at least one designated device comprises a local device [see e.g., local disk 32, col. 7, line 1].

**As per dependent claim 4:**

**Dziadosz** teaches the at least one request comprises at least one of a status request and a control request [see request type 64, fig. 6, and associated discussion col. 9, beginning line 7].

**As per dependent claim 5:**

**Dziadosz** teaches the communications protocol is the user datagram protocol (UDP) [see UDP header 82, fig. 6 and associated discussion col. 11, line 3].

**As per dependent claim 6:**

**Dziadosz** inherently teaches receiving the request is achieved via at least one socket [UDP sockets are part of the User Datagram Protocol disclosed by Dziadosz, col. 11, line 3].

**As per dependent claim 8:**

**Dziadosz** teaches forwarding the information is achieved via a socket [UDP sockets are part of the User Datagram Protocol disclosed by Dziadosz, col. 11, line 3; the use of TCP/IP is also disclosed (inherently involving sockets as connection endpoints on the TCP/IP network, col. 8, line 10)].

**As per dependent claim 10:**

**Dziadosz** teaches the plurality of devices comprise at least one of a plurality of local devices; and a plurality of remote devices accessible via a network [see e.g., local disk 32, col. 7, line 1; see also, e.g., remote disk 32b, col. 7, lines 12 & 13; see also remote device discussion col. 12, line 5].

**As per dependent claim 11:**

**Dziadosz** teaches the communication protocol is the user datagram protocol/internet protocol (UDP/IP) such that the communication server is a user datagram protocol (UDP) server [col. 11, line 3, UDP protocol].

**As per dependent claim 12:**

See the rejection of claim 4 detailed above.

**As per dependent claim 13:**

See the rejection of claim 6 detailed above.

**As per dependent claim 14:**

**Dziadosz** teaches the application program is coupled to the communication server via a queue [e.g., see request queues 48, col. 7, line 58, see transmit queue 52, col. 7, line 61; see "receive queue 94" and associated discussion col. 12, beginning line 53].

**As per dependent claim 16:**

See the rejection of claim 2 detailed above.

**As per dependent claim 17:**

See the rejection of claim 3 detailed above.

**As per dependent claim 18:**

See the rejection of claim 4 detailed above.

**As per dependent claim 19:**

See the rejection of claim 5 detailed above.

**As per dependent claim 20:**

See the rejection of claim 6 detailed above.

**As per dependent claim 22:**

See the rejection of claim 8 detailed above.

**As per dependent claim 23:**

**Dziadosz** broadly discloses the use of UNIX, this generic disclosure inherently encompassing the various flavors of UNIX, e.g., other UNIX or UNIX-like operating system dialects, such as LINUX [col. 1, line 28].

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Dziadosz et al.** (U.S. Patent 5,832,222) in view of **Belfiore** et al. (U.S. Patent Application Publication US 2002/0059425).

**As per dependent claims 7 & 21:**

**Dziadosz** discloses the invention substantially as claimed, as discussed above.

However, **Dziadosz** does not *explicitly* teach the following additional limitations:

**Belfiore** teaches the use of a subscription request from an application program regarding at least one of the plurality of devices [§0132], receiving in the kernel of the operating system an event from one of the plurality of devices [§§0132, 0133]; and forwarding event information from the kernel of the operating system to the application program that sent the subscription request regarding the device, as claimed [§0132; see also event component description §§0124-0128].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon the system taught by **Dziadosz** by implementing the improvements detailed above because it would provide **Dziadosz's** system with the enhanced capability of "*flexibility and choice of the service to publish*

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*events, such as, by way of example, kernel events” [see **Belfiore** col. 12, §§ 0132, 0133].*

**Prior Art not relied upon:**

Please refer to the references listed on the attached PTO-892 which are not relied upon in the claim rejections detailed above.

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**How to Contact the Examiner:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to St. John Courtenay III, whose telephone number is 571-272-3761. A voice mail service is also available at this number. The Examiner can normally be reached on Monday - Friday, 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-AI who can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**All responses sent by U.S. Mail should be mailed to:**

Commissioner for Patents  
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**Patent Customers advised to FAX communications to the USPTO**

<http://www.uspto.gov/web/offices/pac/dapp/ola/preognnotice/faxnotice.pdf>

Effective Oct. 15, 2003, ALL patent application correspondence transmitted by FAX must be directed to the new PTO central FAX number:

**NEW PTO CENTRAL FAX NUMBER:**

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**703-872-9306**

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- Any inquiry of a general nature or relating to the status of this application should be directed to the **TC 2100 Group receptionist: (703) 305-3900.**

**Please direct inquiries regarding fees, paper matching, and other issues not involving the Examiner to:**

**Technical Center 2100 CUSTOMER SERVICE: 703 306-5631**

The Manual of Patent Examining Procedure (MPEP) is available online at:  
<http://www.uspto.gov/web/offices/pac/mpep/index.html>



ST. JOHN COURTENAY II  
PRIMARY EXAMINER

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